

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MASSACHUSETTS
Boston Division

ROBERT KILLAY,

Plaintiff

Vs.

Civil Action No 04-12535NMG

SPRINGFIELD TERMINAL
RAILWAY COMPANY and
BOSTON & MAINE CORPORATION,

Defendants

RULE 16(O)(3) CERTIFICATION

This is to certify that Plaintiff, Robert Killay, and his counsel, Thomas J. Joyce, III, Esquire and Michael J. McDevitt, Esquire have conferred to establish a budget for the full litigation of the above-captioned action as well as a budget for various alternative courses. Robert Killay and his counsel have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs, and he needs to develop further information before he can decide whether the case is appropriate for settlement, ADR or full litigation.

Respectfully Submitted,

HANNON & JOYCE

LAWSON & WEITZEN, LLP

By: /s/ Thomas J. Joyce
THOMAS J. JOYCE, III, ESQ.
Attorney for Plaintiff

By: /s/ Michael J. McDevitt
MICHAEL J. McDEVITT, ESQ.
88 Black Falcon Avenue, Suite 345
Boston, MA 02210
Local Counsel for Plaintiff

PLAINTIFF

/s/ Robert Killay
Robert Killay

Dated: May 5, 2005